



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR - 1 2005

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Cert. No. 7003 1680 0004 9923 2039

In Reply Refer To:

EPA File No. 07R-04-R6

Ms. Gladys M. House
Freedmen's Town Association, Inc.
1320 Robin Street, Suite A
Houston, Texas 77019

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Ms. House:

On August 31, 2004, the Freedmen's Town Association, Inc. (FTA) filed an administrative complaint with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). The complaint alleges that the City of Houston refused to transfer property that was identified as a potential Brownfields redevelopment program target to the FTA in violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI), and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7 (Part 7). After careful review, OCR has concluded that it must reject your complaint for investigation, because it does not meet the jurisdictional requirements for acceptance identified in EPA's Title VI regulations.

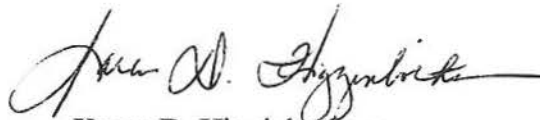
OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's Title VI regulations, OCR conducts a preliminary review of Title VI complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the Part 7 regulations. 40 C.F.R. § 7.120. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, because EPA Title VI regulations apply to recipients of EPA financial assistance, the complaint must be filed against an EPA recipient that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

OCR has concluded that it cannot accept your complaint for investigation because the complaint does not describe an alleged discriminatory act that violates EPA's Title VI regulations. Our review of the information you provided shows that an environmental assessment was to occur

prior to the transfer of the property described in your complaint. The purpose of the environmental assessment was to determine if the property was suitable for the construction of affordable low-income homes. The City of Houston conducted the assessment and determined that the property was environmentally unsuitable for the construction of homes. Therefore, the City of Houston denied transfer of the property to FTA. The refusal to transfer the property was not based on race, but on the results of the environmental assessment that determined that the property was not environmentally suitable for affordable low-income homes. Since the complaint does not describe a discriminatory act, OCR cannot accept it for investigation.

If you have any questions, please contact Helena Wooden-Aguilar of the OCR External Compliance Program by telephone at (202) 343-9681, via electronic mail at Wooden-Aguilar.Helena@epa.gov, or by mail at U.S. EPA, Office of Civil Rights, Mail Code 1201A, 1200 Pennsylvania Avenue, NW, Washington, D.C., 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Mayor Bill White
City of Houston
P.O. Box 1562
Houston, TX 77251

Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (MC 2399A)

Barry Hill, Director
Office of Environmental Justice (MC 2201A)

Sherry Brown-Wilson, Title VI Coordinator
EPA Region 6